

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

MARCH 25, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Frank called the meeting to order at 9:00 a.m. in the Indiana Government Center South, Conference Center Room 1, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Dawn Frank, D.V.M. – Vice Chairman
Richard Headley, D.V.M.
Patricia Kovach, D.V.M.
Robin Waltz, D.V.M.
Bret Marsh, D.V.M., State Veterinarian
Susan Pedigo, R.V.T.
Frank Andrew, Consumer Member

Board Members Absent:

Ralph Welp, D.V.M. – Chairman

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HEADLEY/KOVACH
Motion carried 5-0-0
Dr. Waltz was not present

III. ADOPTION OF THE MINUTES FROM THE DECEMBER 3, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the December 3, 2008 meeting of the Board.

HEADLEY/KOVACH
Motion carried 5-0-0
Dr. Waltz was not present

IV. APPEARANCES

A. RENEWAL

There were no renewal appearances

B. PROBATIONARY

1. Todd Cooney, D.V.M., License No. 24004650A Administrative Cause No. 2005 VB 0007

Dr. Cooney appeared before the Board, as requested, regarding his ongoing probationary status. The Board spoke with Dr. Cooney about his DEA Memorandum of Understanding and he explained the DEA met with the other staff in his office and chose Carol to log in/out controlled substance prescriptions. His DEA agreement is for three years. The Board expressed their pleasure with Dr. Cooney's progress but informed him that the reports to be sent in by Mr. Gustafsen are late and those need to be timely. Dr. Cooney explained he sent a letter to all of his doctors in January reminding them when his reports for 2009 are due and he will contact Mr. Gustafsen about his report. Dr. Cooney's next scheduled appearance is May 27th, 2009.

C. APPLICATIONS

1. Cassandra J. Meier, D.V.M.

Dr. Meier appeared before the Board, as requested, regarding her application for veterinary licensure. Dr. Meier is a 1996 graduate of Texas A & M and has taken and passed the NBE and CCT examination. She is currently licensed in the states of Oregon, Texas and Florida. On her application she answered "yes" to question #2 asking, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?" Dr. Meier explained in 1997 Oregon disciplined her for not being in compliance with the laws of their state with respect to the requirement for direct supervision of new graduates while working under an interim permit. Dr. Meier was working at a Vetsmart Clinic in Medford, Oregon without a licensed veterinarian being present. She worked for 244 days without supervision. During this time period she treated 3,770 patients without supervision. Dr. Meier was fined and required to complete an additional nine (9) months of direct supervision by a licensed veterinarian. She told the Board this violation was not intentional, she just didn't know any better and it appeared at the practice that she was doing things how they had always been done. She submitted to the Board a copy of the Final Order Agreement she made with the Oregon Board. Ms. Vaught advised the Board Dr. Meier had taken and passed the law examination earlier that morning since she lives in Oregon and flew in to appear before the Board.

Board Action: A motion was made and seconded to grant Dr. Meier an Indiana veterinary license.

KOVACH/WALTZ
Motion carried 6-0-0

2. Chelsey Slater, R.V.T.

Ms. Slater appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Slater is a 2008 graduate of Purdue University and has taken and passed the VTNE examination on January 16, 2009. On her application she answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained in October 2006 she was cited for possession/consumption of alcohol by a minor. She was nineteen years

old and entered into a diversion agreement since this was her first offense. She completed all of the mandated requirements in November 2007.

Board Action: A motion was made and seconded to grant Ms. Slater registration as a veterinary technician.

ANDREW/HEADLEY

Motion carried 6-0-0

3. Ky Clark, R.V.T.

Mr. Clark appeared before the Board, as requested, regarding his application for registration as a veterinary technician. Mr. Clark is a 2008 graduate of the International Business College and has taken and passed the VTNE on January 16, 2009. On his application he answered "yes" to question #4 asking, "Are you now being, or have you ever been treated for drug or alcohol abuse?" He also answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained he was arrested for a DUI in December 2007 and his driver's license was suspended for (30) days, six (6) months probation, and a seven (7) hour alcohol-drug education class. He completed his requirements and stated he has learned a big lesson about drinking and driving.

Board Action: A motion was made and seconded to grant Mr. Clark registration as a veterinary technician

WALTZ/PEDIGO

Motion carried 6-0-0

4. Kathleen O'Neil, R.V.T.

Ms. O'Neil appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. O'Neil is a 2008 graduate of International Business College and has taken and passed the VTNE examination on January 16, 2009. On her application she answered "yes" to question #4 asking, "Are you now being, or have you ever been treated for drug or alcohol abuse?" She also answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained in July 2006 while she was attending Indiana University she had been drinking with friends and was arrested for OWI. She ordered by the court to complete an alcohol outpatient program from October 2006 to May 2007. She was also placed on probation for one (1) year, ordered to complete seventy-five (75) hours of public restitution, and attend a victim impact panel. Ms. O'Neil stated she successfully completed all of the court ordered requirements and has not been in trouble since that time.

Board Action: A motion was made and seconded to grant Ms. O'Neil registration as a veterinary technician upon receipt of proof that she successfully completed the court ordered requirements.

HEADLEY/KOVACH

Motion carried 6-0-0

V. ADMINISTRATIVE HEARING

There were no administrative hearings scheduled.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements.

VII. NOTICE OF PROPOSED DEFAULT

There was no Notice of Proposed Default before the Board.

VIII. DISCUSSION

A. Rule Proposal

Re: Veterinary Investigative Fund

The Board reviewed the recommended rule that was drafted by the rules committee. Ms. Vaught explained the Notice of Intent was filed within sixty (60) days of the Statute that went into the law to provide funds for administering and enforcing action against violators. The Board needed to draft a rule that established fees sufficient enough to implement the statute. The proposed rule will require that the Board collect an additional fee of ten dollars (\$10.00) per year to renew a license, registration, or permit to practice as a veterinarian or veterinary technician. There will also be a ten dollar (\$10.00) fee added that would require applicants for licensure, registration or permit to practice as a veterinarian or veterinary technician. Based on the current number of actively licensed veterinarians and veterinary technicians and the approximate number of new applicants in a two year period this fund would contain approximately sixty-three thousand dollars (\$63,000.00) after one biennium. This fund would be managed by the Board but would need to enter into a memorandum of understanding with the Attorney General's Office to provide them with funds to perform investigations and pursue enforcement action. The Board discussed the various ways these funds can be used, the amount of the fees being proposed to populate the fund, the necessity of the fund and what types of investigations might be conducted, and the possibility of recovering the costs of investigations if violators are convicted of a crime. Ms. Vaught explained many of these issues can be addressed within the memorandum of understanding but at this time the Board needs to just establish the fees that will be imposed so the rule making process can continue.

Board Action: A motion was made and seconded to approve the rule as written.

HEADLEY/KOVACH
Motion carried 6-0-0

B. American Association of Veterinary State Boards

The Board took notice of the AAVSB newsletter.

C. National Association of Boards of Pharmacy

The Board reviewed a letter from NABP announcing its launch of Veterinary-Verified Internet Pharmacy Practice Sites (Vet-VIPPS) to provide accreditation of online veterinary pharmacies. This will "serve as a means to evaluate and accredit legitimately operating online veterinary pharmacy practice sites that dispense medications for companion animals as well as non-food producing animals and ensure patient/client relationship exists."

D. National Board Report

The board took notice of the National Board Report. Ms. Vaught informed the Board that the NBVME will be sending Dr. Dennis Feinberg and Dr. Mike Thomas to speak at the next meeting about the NAVLE. The NAVLE contract is up for review and she explained the NBVME can provide the service of approving NAVLE candidates instead of the agency staff. She stated this will make it easier for the candidate because they currently have to apply to both the state board and the NBVME and if they just had to apply to the NBVME then they can apply to the state board when they are ready to seek licensure. The NBVME will approve the application based upon the state requirements. Ms. Vaught told the Board that if they had any question regarding the current NAVLE examination or examinations of the future this would be the time to ask those questions.

E. Lyle P. Vogel, DVM, MPH, Assistant Executive Vice President

American Veterinary Medical Association

Re: Continuing Education Credit Related to Education in Aquatic Animal Medicine

The Board reviewed a letter from Dr. Vogel asking licensing boards to consider and support veterinary requests for continuing education credit related to education in aquatic animal management. The Board stated they would most likely accept continuing education courses in this area.

F. Kelly Kirk, DVM

Re: Request for Continuing Education Approval

The Board reviewed a letter from Dr. Kirk asking for continuing education credit for practice management training she received from a management company. The Board noted that at this time practice management courses are not acceptable for continuing education credit.

Board Action: A motion was made and seconded to deny the request.

HEADLEY/ANDREW

Motion carried 6-0-0

G. NAVLE Examination Results

Re: November-December 2008

Ms. Vaught informed the Board there were 61 NAVLE candidates and of those 59 passed and 2 failed.

H. VTNE Examination Results

Re: January 2009

Ms. Vaught informed the Board there were 116 candidates registered but perhaps due to weather conditions only 103 appeared for the examination. Of those 66 passed and 37 failed. She advised that Dr. Richard Flora, of the AAVSB, was present to monitor the administration of the examination. Ms. Vaught stated she has not received any results of his report but he indicated to the chief proctor that they did a good job. The next VTNE will be June 19, 2009.

IX. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

X. RENEWALS

There were no renewals before the Board.

XI. PROBATIONARY REPORT

A. Rachel Clark, D.V.M.

The Board reviewed a report sent from Dr. Clark's counselor at St. Vincent Mercy and it suggested she attend more counseling than the once a month she is required to attend and to institute drug testing. Dr. Clark's prognosis was listed as guarded. Ms. Vaught advised the Board Dr. Clark's next probationary appearance is scheduled for May 27th, 2009.

XII. CONTINUING EDUCATION

A. Animal Aid Clinic - South

Elkhart County Veterinary Academy
Elkhart, Indiana
February 10, 2009
Hours Granted: 2

B. Cincinnati Animal Referral and Emergency Center

Neuro Emergencies
Cincinnati, Ohio
February 11, 2009
Hours Granted: 2

Diabetic Cat- Clinic to Home; Transfusions- Administering and Monitoring
Cincinnati, Ohio
March 25, 2009
Hours Granted: 2

Diabetes – Diagnosis through Management
Cincinnati, Ohio
April 21, 2009
Hours Granted: 2

C. Merial Ltd.

Vaccinology 2008: Progressive Practices for Progressive Practices
Cincinnati, Ohio
October 28, 2008
Hours Granted: 1.5

Surviving and Thriving in this Economy
Columbus, Ohio
February 19, 2009
Hours Granted: Denied- Practice Management

Feline Leukemia Virus Vaccines and Vaccine Safety
Evansville, Indiana
March 18, 2009
Hours Granted: 1.5

Vaccines and Vaccinology 2009: The Facts vs. The Fiction
Hammond, Indiana
April 8, 2009
Indianapolis, Indiana
April 9, 2009
Hours Granted: 2

"Clients with Flea Problems...What's Really Going On?" Techniques for Solving Your
Clients Problems
Jeffersonville, Indiana
March 9, 2009
Hours Granted: 2 - Board vote was 5-1-0 Dr. Headley dissented

- D. Nutrena**
Understanding Starch and the Role of Trace Minerals in the Equine
Middleburg, Indiana
February 19, 2008
Hours Granted: 2
- E. Veterinary Endoscopy Society**
6th Annual Veterinary Endoscopy Society Meeting
Cancun, Mexico
Hours Granted: 10

XIII. REPORTS

A. Consumer Complaints

Dr. Waltz advised she had a pre-hearing conference prior to this meeting and the matter will come before the Board in May.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach advised that the low cost spay/neuter clinic in Noblesville appeared before CSAC to answer some questions about their staff before being granted a facility CSR. They advised they did have a licensed veterinarian on staff and that they are taking steps to ensure they are not referring to or advertising their veterinary assistants as veterinary technicians. CSAC voted to approve the facility CSR. Dr. Kovach stated the FACE clinic has rescheduled their appearance.

C. State Veterinarian's Report – Dr. Marsh

- BOAH is about to close their TB investigation and they did not find anything in Indiana.

- CEM (Contagious Equine Metritis) investigation is taking place after 3 stallions from Kentucky tested positive for this venereal disease. It has never been in Indiana and they hope to close the investigation soon.
- The value of milk has dropped and this is a cause for concern for the dairy industry. Some farms are having trouble and will have to close. The dairy division is trying to watch farms to ensure that corners are not being cut in an effort to save money. The NESTLE plant in Anderson has now opened.
- There continues to be horse neglect and starvation issues and there is an abundance of horses. There is a call for slaughter to be reinstituted.
- A Pet Breeders Bill is being worked on, it started out as a cruelty and neglect bill and now encompasses a process for certifying dog breeders either through licensing or registration and to allow for inspections. This is an attempt to stop puppy mills and it is estimated there are 1,500-3,000 breeding sites in Indiana. BOAH will be asked to handle these investigations so they will need to figure out how to structure their staff to accommodate this new area. Dr. Marsh explained there is still a lot being debated as far as defining how many puppies, or litters, or breeding females a person has to be considered a breeder.

XIV. OLD/NEW BUSINESS

A. VCA Veterinary Specialty Center

The Board reviewed a letter from VCA Veterinary Specialty Center requesting to be considered an "automatically approved" organization for continuing education programs under IC 25-1-4. The Board determined that they are a reputable practice who has offered numerous quality programs in the past which the Board has approved.

Board Action: A motion was made and seconded to grant VCA Veterinary Specialty Center "automatic approval" as a continuing education provider. They will no longer need to submit applications for approval of their programs but should the Board learn of a decline in the quality of the programs being offered they reserve the right to rescind this approval.

HEADLEY/KOVACH
Motion carried 6-0-0

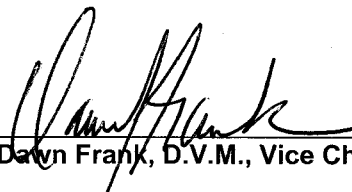
- B. Ms. Vaught informed the Board of new changes and cutbacks being made by the State and the Professional Licensing Agency in an effort to save money.

XV. OTHER ITEMS FOR CONSIDERATION

There were no other items for consideration.

XVI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:30 p.m.


Dawn Frank, D.V.M., Vice Chairman

7.29.09
Date